

REMARKS

The Official Action mailed May 20, 2010 has been carefully considered. Claims 1-5, 9, 12-14 and 19, 20 and 22 are pending in the present application. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

New claims 28 and 29 have been entered, directed at a chew toy comprising high performance fabric formed into a rolled, twisted or folded structure. Support may be found in paragraph [0024] of the published U.S. application. No new matter has been entered.

Claim 1 has been amended to recite “An animal chew toy having end portions”. Support may be found at paragraph [0010] of the published U.S. application. No new matter has been entered.

Claim 1 has also been amended to recite “a woven or knit fabric selectively positioned on said toy at said end portions”. Support may be found at paragraphs [0010] and [0012] of the published U.S. application. See paragraph [0008] for support of “woven”. No new matter has been entered. Claims 2-5, 19 and 20 have been amended to be consistent with amended claim 1 from which they depend.

Claim 1 has been further amended to recite “a second outer fabric material disposed over and engaged with at least a portion of first fabric material”. Support may be found at paragraph [0025] which recites “[a]t least of portion of the animal chew may include a second, outer layer that is not a high performance fabric” and “[a]lternatively, the second layer may be stitched or bonded to the first layer.” No new matter has been entered.

Claim 1 has been still further amended to recite “woven or knit fibers comprising one or more of aramid or linear polyethylene or spun liquid crystal polymer or poly(p-phenylene-2,6-benzobisoxazole)”. Support may be found in paragraph [0021]. No new matter has been entered.

Claims 1-5, 9, 12-14, 19, 20 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jordan (US 5,226,384) , in view of Sullivan (US 5,087,499) and Lin et al. (US 5,354,605) and Wellington Sears Handbook of Industrial Textiles, page 60. To the extent that the Examiner considers the art of record applicable to the amended claims, it is noted as follows.

Jordan appears to be directed at a damage resistant animal bed comprising a resilient core surrounded and encased by an aramid fabric sheet and a polyester fabric sheet laminated to the aramid sheet and facing the core. Jordan discloses that the entire bed is covered with the aramid fabric (see page 2 of Office Action) and discloses an attached fabric layer under the aramid layer, but no outer layer attached to the aramid layer. Jordan is silent regarding a knit fabric.

Jordan teaches against the use of a cover sheet at column 6 lines 5-17, reciting “[f]urther, it has been found that the dog beds of this invention are generally impervious to infestation by fleas and other common animal-borne pests. Such pests can get on the outer surface of the cover **12**, but cannot penetrate into or through the cover **10** into the interior of the bed 12, so that the interior of the bed remains free of pest infestation. Also, by being confined to the outer surface, the pests are easily washed or wiped away. If desired, a suitable pesticide may also be applied to the outer surface to kill the pests on contact.” Accordingly, a second outer fabric as recited in amended claim 1 is not contemplated.

Jordan does not teach or suggest the use of multiple layers of fabric of aramid or linear polyethylene or spun liquid crystal polymer or poly(p-phenylene-2,6-benzobisoxazole, as recited in amended claim 1. Jordan at column 4 lines 19-25 recites “[t]he principal critical material of the cover is the sheet **28** which forms either the sole layer of the cover as indicated in **FIG. 3A** or the outer layer of the cover as indicated in **FIGS. 3B** and **3C**. It is critical to the function and properties of the present invention that this layer 28 be formed of an aramid polymeric sheet material.” Emphasis added. Accordingly, Jordan teaches against multiple layers of aramid fibers and is silent regarding two layers having different axes of orientation.

Further Jordan does not teach or suggest that the multiple layers of fabric are selectively positioned on a toy at said end portions, as now recited in amended claim 1. Finally, Jordan does

not teach or suggest “a second outer fabric material disposed over and engaged with at least a portion of first fabric material, as is now recited in amended claim 1.

Accordingly, Applicant submits that the primary reference of Jordan is absent a number of the features of amended claim 1 and is no longer a citable reference under 35 U.S.C. § 103(a).

An object of the present invention is to provide a compressible animal toy having high performance fabric selectively positioned at the end portions of the toy in areas where chewing by the animal is most likely to take place. Accordingly, the toy will have a longer life due to the strength of the high performance fibers.

In addition, the end portions having high performance fibers may be at least partially covered with a second fabric material of non-high performance fibers. As noted in paragraph [0025] the second material may be nylon, polyester, cotton, etc. and used to provide specific characteristics, visual, tactile, etc. Further, it is contemplated that the second fabric material may even be flavored or scented to attract and encourage chewing in the reinforced areas (ends).

Finally, with the second fabric material acting as a decorative cover over at least a portion of the reinforced ends of the animal toy, the second fabric material covers may be exchanged or replaced as needed as they become worn by the chewing action.

None of these features are present with the bed of Jordan.

Turning to the other cited art, Sullivan appears to be directed at garments wherein the yarn has been brushed with an abrasive device to loosen the ends of the fibrils and does not make up for the deficiencies of Jordan.

Lin et al. appears to be directed at a soft armor composite including at least one layer of a unidirectional network of extended chain polyethylene fibers (see column 12, lines 12-44 and column 8 lines 29-55 as referenced by the Examiner). Lin et al. further discloses that the unidirectional network of fibers requires an acrylic ester copolymer matrix material which coats the fibers and forms a simple composite. The coated unidirectional fiber network layers may be cross-plyed. Note that a matrix material (resin) must be present to tie the fibers together and that

the fibers are unidirectional (parallel) and not woven or knit. Accordingly, Lin et al. does not make up for the deficiencies of Jordan.

The Wellington Sears Handbook of Industrial Textiles, page 60, discloses simply that fibers may be drawn, which may increase their orientation. The reference provides no further guidance regarding the extent of orientation. The reference to fiber orientation has been withdrawn from amended claim 1.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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